

JAN 24 2013

A BILL FOR AN ACT

RELATING TO PHYSICAL THERAPY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 461J, Hawaii Revised Statutes, is
2 amended by adding seven new sections to be appropriately
3 designated and to read as follows:

4 "§461J- Continuing competence. (a) Beginning with the
5 December 31, 2016, renewal, each licensed physical therapist
6 shall be required to obtain at least thirty units of approved
7 continuing competence units in each two-year license renewal
8 period, where one continuing competence unit is equivalent to at
9 least fifty minutes of classroom or hands on instruction.

10 (b) For first-time license renewals, if the initial
11 license was issued less than twelve months prior to the renewal
12 date, no continuing competence units will be required for the
13 first renewal period. If the initial license was issued more
14 than twelve months prior to the renewal date, the licensee shall
15 be required to obtain fifteen units of approved continuing
16 competence units for the first renewal period.

17 (c) At the time of renewal, each licensee shall submit
18 evidence of completing the required continuing competence units

1 to the board or agency designated by the board. Failure to
2 present evidence of compliance at the time of renewal shall
3 constitute a forfeiture of the license, which may be restored
4 only upon written application and payment to the board of a
5 restoration fee and proof of compliance with continued
6 competence requirements.

7 (d) The board may randomly audit a licensee's continuing
8 competence units, and may establish guidelines for random audits
9 in rules adopted in accordance with chapter 91.

10 §461J- Content standards of continuing competence. (a)
11 Continuing competence units shall be obtained in subjects
12 related to either the professional practice of physical therapy
13 or patient/client management.

14 (b) The "professional practice of physical therapy"
15 includes but is not limited to professional accountability,
16 professional behavior, and professional development.

17 (c) "Patient/client management" includes but is not
18 limited to examination, evaluation, diagnosis, and prognosis;
19 plan of care; implementation; education; and discharge.

20 §461J- Continuing competence subject matter requirements
21 and other limitations. For each renewal period, a licensee's
22 continuing competence units shall include the following:

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(1) Two units in ethics, laws, and rules (jurisprudence),
or some combination thereof; and

(2) Four units in life support for health care
professionals; provided that such training shall be
comparable to, or more advanced than, the American
Heart Association's basic life support health care
provider course.

**§461J- Authorized providers of continuing competence
units.** Continuing competence units shall be obtained from a
provider or agency approved by the board, including but not
limited to:

(1) Continuing education courses, including home and self
study courses, obtained from an agency recognized by
the board;

(2) College coursework from an educational institution
accredited by the United States Department of
Education or other agency recognized by the board; and

(3) Other competence related activities approved by the
board or an agency recognized by the board.

**§461J- Exemption from continuing competence
requirements.** (a) Prior to the expiration of a renewal period,
a licensee may submit a written request to the board for an

1 exemption from the continuing competence requirements in this
 2 chapter.

3 (b) The request for an exemption shall include the
 4 following information:

5 (1) Evidence that, during the two-year period prior to the
 6 expiration of the license, the licensee was residing
 7 in another country for one year or longer, reasonably
 8 preventing completion of the continuing competence
 9 requirements;

10 (2) Evidence that, during the two-year period prior to the
 11 expiration of the license, the licensee was ill or
 12 disabled for one year or longer as documented by a
 13 licensed physician, surgeon, or clinical psychologist,
 14 preventing completion of the continuing competence
 15 requirements; or

16 (3) Evidence that, during the two-year period prior to the
 17 expiration of the license, a dependent family member
 18 of the licensee was ill or disabled for one year or
 19 longer as documented by a licensed physician, surgeon,
 20 or clinical psychologist, preventing completion of the
 21 continuing competence requirements.

1 (c) The above exemptions shall not be granted for more
2 than one renewal period. In the event a licensee cannot
3 complete the continuing competence requirements during the two-
4 year period after receiving an exemption, the licensee may only
5 renew the license on an inactive status.

6 (d) When a licensee is absent from the State because of
7 military service for a period of one year or longer during the
8 two-year renewal period, preventing completion of the continuing
9 competence requirement, the board may provide an exemption from
10 the continuing competence requirement for more than one renewal
11 period.

12 §461J- Inactive status. (a) A licensee may apply in
13 writing to have the licensee's license placed on inactive
14 status. While on inactive status, the licensee shall not engage
15 in the practice of physical therapy.

16 (b) A license on inactive status shall be renewed during
17 the same time period as active licenses. While on inactive
18 status, the licensee shall not be required to comply with the
19 continuing competence requirements in this chapter.

20 (c) To reactivate a license on inactive status, the
21 licensee shall:

22 (1) Pay the renewal and any applicable fees;

and

(2) Have obtained continuing competence units equivalent to that required for a single renewal period of an active license within the last two years prior to applying to restore the license to active status.

(d) The inactive status of any licensee shall not deprive the board of its authority to institute or continue any disciplinary or enforcement action against the licensee.

§461J- Record keeping for continuing competence. (a)

Each licensee shall keep and maintain records showing that each course or activity for which credit is claimed has been completed.

(b) These records shall reflect the title of the course or activity, the date taken or completed, and the record of participation.

(c) Each licensee shall retain such documentation for a period of seven years after the course or activity concludes.

(d) Each licensee shall provide copies of such documentation to the board or its designee within fourteen calendar days after being requested to provide such documentation."

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SECTION 2. Section 461J-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

"Competence" is the application of knowledge, skills, and behaviors required to function effectively, safely, ethically, and legally within the context of the individual's role and environment.

"Continuing competence" is the lifelong process of maintaining and documenting competence through ongoing self-assessment, development, and implementation of a personal learning plan, and subsequent reassessment.

"Unit" is a relative value assigned to continuing competence activities in which one continuing competence unit is equivalent to at least fifty minutes of classroom or hands on instruction."

SECTION 3. Section 461J-10, Hawaii Revised Statutes, is amended to read as follows:

"[+] §461J-10 [+] Biennial renewal; failure to renew. (a)
The biennial renewal fee shall be paid to the department of commerce and consumer affairs on or before December 31 of each even-numbered year. Failure, neglect, or refusal of any

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1 licensee to pay the biennial renewal fee on or before such date
2 shall constitute a forfeiture of the license.

3 (b) A forfeited license may be restored upon written
4 application within one year from the date of forfeiture,
5 provision of proof of completion of the required continuing
6 competence units, and the payment of the delinquent fee plus an
7 amount equal to fifty per cent of the delinquent fee."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act, upon its approval, shall take effect
11 on December 31, 2016.

12
13 INTRODUCED BY:



14 BY REQUEST

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Report Title:

Physical Therapy; Continuing Competence

Description:

Amends chapter 461J, Hawaii Revised Statutes, by mandating that physical therapists practicing in the State of Hawaii shall submit evidence of continuing competence at each renewal period.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY.

PURPOSE: The bill requires a total of thirty continuing competence units for physical therapists at every renewal period, beginning with the December 31, 2016, renewal period.

MEANS: Add new sections to chapter 461J, Hawaii Revised Statutes (HRS), and amend sections 461J-1 and 461J-10, HRS.

JUSTIFICATION: The nature of physical therapy practice is such that it requires clinical decision making in the choice of treatment with the intent of improving a person's physical functioning and wellbeing. Inherent in this decision making process are treatment options which may be helpful, harmful, or neutral with regard to the impact on a person's physical functioning and wellbeing. Minimizing the practice of ineffective or potentially harmful techniques requires an awareness of the current clinical research and methods.

The availability of direct access to physical therapy services without the requirement of physician referral was adopted in Hawaii in December of 2011. As a result, physical therapists may now function as a first point of contact with patients. This places greater responsibility on the physical therapy practitioner and increases the importance of the need for ensuring continuing competence in the practice of physical therapy.

Currently, there are only a few states that do not have either a continuing education (CE) or a continuing competence (CC)

requirement. The only three states that do not have statutory language authorizing the state boards of physical therapy to require either CE or CC of its licensees are Hawaii, South Dakota, and Maine.

This bill requires that, beginning with the December 31, 2016 license renewal cycle, licensees must accumulate thirty units of approved continuing competence units in each two-year license cycle. This requirement will ensure that the physical therapy professional remains current and up-to-date in the practice. It will also ensure that the physical therapy professional will practice in a safe, ethical, and legal manner that minimizes risk to all patients, the public consumer, fellow clinicians, and the practitioner.

Impact on the public: This bill protects the public by ensuring that the physical therapy professional will practice in a safe, ethical, and legal manner that minimizes risk to all patients, the public consumer, fellow clinicians, and the practitioner.

Impact on the department and other agencies: The impact to the department will be an increased workload for staff. No impact foreseen for other agencies.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	CCA 105.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	December 31, 2016.